













121 Exchange





or of any other person, either alone or in connection with his own or any other name or designation which has been used as aforesaid, without the consent in writing of such person or his legal representatives.

SECT 4 The supreme judicial court may restrain by injunction any use of trade marks or names, in violation of the provisions of this act.

[Approved February 10, 1866.]

### Chapter 12.

AN ACT to regulate the holding of sessions of the supreme judicial court for the trial of criminal cases.

*Be it enacted, &c.*

SECTION 1 The January term of the supreme judicial court for the county of Waldo shall be held for the trial of criminal cases as well as civil cases.

SECT 2 All acts inconsistent with this act are hereby repealed.

[Approved February 12, 1866.]

### Chapter 12.

AN ACT to aid in the settlement and disposal of assets of banks after the surrender or expiration of their charters.

*Be it enacted, &c.*

A purchaser or assignee of any chose in action sold at public or private sale by any bank in this state, may after such bank has surrendered its charter, sue thereon in his own name, subject to all legal equitable defenses, and any action pending in the name of the bank for the collection of any such chose in action at the time of the sale, may be prosecuted to final judgment and execution by such purchaser or in the same manner as if the charter of said bank had not expired, on his endorsing the writ.

[Approved February 15, 1866.]

### Chapter 13.

AN ACT establishing the salaries of the judge and the register of probate for Franklin county.

*Be it enacted, &c.*

That from and after the first day of January, eighteen hundred and sixty six, the salary of the judge of probate of Franklin county, shall be two hundred and fifty dollars, instead of the salary now established by law. And from and after the first day of January, eighteen hundred and sixty six, the salary of the register of probate of Franklin county shall be five hundred dollars, instead of the salary now established by law.

[Approved February 15, 1866.]

### Chapter 14.

AN ACT to provide for the payment of the war loan of eighteen hundred and sixty-one.

*Be it enacted, &c.*

SECTION 1 All sums of money that may be reimbursed by the United States in liquidation of claims for advances made by the state of Maine for the outfit equipment and other necessities furnished to troops raised in this state for the service of the United States in the year eighteen hundred and sixty-one are hereby pledged and set apart for the payment of the principal of the war loan negotiated under the resolve approved April twenty fifth eighteen hundred and sixty-one, and the same together with any interest which may accrue thereon shall be held as a fund for that specific purpose, and the said fund shall be invested, registered and made available for the payment of the said loan at its maturity, in the same manner and by the same authority as prescribed in the act to create and establish a sinking fund, approved January twenty eighth eighteen hundred and sixty five, and shall be applied to the extinguishment of the said war loan.

SECT 2 If the fund provided for by this act shall prove insufficient to pay all the bonds issued under the resolve aforesaid, payment thereof may be made from the fund created under the said act of January twenty eighth, eighteen hundred and sixty five and in the manner therein prescribed, to the extent of such deficiency.

SECT 3 Any money in the treasury, applicable to the requirements of this act, is hereby appropriated and the governor, with the advice and consent of the council is hereby authorized to draw his warrant therefor, to be invested in accordance with the provisions of the act above referred to.

SECT 4 So much of the said act of January twenty eighth eighteen hundred and sixty five, as relates to stamping any securities belonging to the sinking fund, is hereby repealed.

SECT 5 This act shall take effect when approved.

[Approved February 15, 1866.]

### Chapter 15.

AN ACT relating to certain fixtures.

*Be it enacted, &c.*

In all transfers of real estate, all stoves and the fannels thereto belonging and all carpets and carpeting, shall be regarded personal property and not pass with the realty.

[Approved February 16, 1866.]

### Chapter 16.

AN ACT additional to Chapter sixty five of the Revised Statutes relating to the distribution of estates real and personal, and of lands held in mortgage and taken in execution.

*Be it enacted, &c.*

When an executor or administrator has taken land in execution for debt due the estate as provided for in section twenty two of said chapter and such executor or administrator is or shall be deceased without disposing of the same, his executor or administrator may be compelled by the judge of probate to sell and convey the same to carry into effect the trust whereby the same is held in or for any other purposes designated by law.

[Approved February 16, 1866.]

### Chapter 17.

AN ACT explanatory of 'An Act to provide support to the families of soldiers,' approved February twenty fifth, one thousand eight hundred and sixty five.

*Be it enacted, &c.*

The words "during the present rebellion," when applied to soldiers in the volunteer service, shall be construed to mean, until their discharge and as applicable to all others, as being at an end and the aid under said act to cease.

[Approved February 16, 1866.]

### Chapter 18.

AN ACT to increase the salary of the register of probate for the county of Androscoggin.

*Be it enacted, &c.*

The salary of the register of probate for the county of Androscoggin shall be four hundred dollars, instead of three hundred as now provided to commence, from the first day of January in the year of our Lord one thousand eight hundred and sixty six.

[Approved February 16, 1866.]

### Chapter 19.

AN ACT to authorize any city or town to erect a monument in memory of deceased soldiers.

*Be it enacted, &c.*

SECTION 1 Any city or town in this state is hereby authorized to raise a sum of money, not exceeding five thousand dollars for the purpose of erecting a suitable monument in memory of the soldiers who have sacrificed their lives in defence of their country in the recent war, and the same may be collected by taxation or otherwise, the same as money raised for any other city or town purposes.

SECT 2 This act shall take effect from and after its approval by the governor.

[Approved February 19, 1866.]

### Chapter 20.

AN ACT relating to the discipline of the state prison.

*Be it enacted, &c.*

SECTION 1 The warden of the state prison shall keep record of the conduct of each convict, and for every month that such convict shall appear by such record to have fully observed all the rules and requirements of the prison, the warden may recommend to the executive a deduction from the term of service of such convict a sentence according to, but not exceeding the following rule and proportion for a convict under the sentence of two years or less, one day for each month of good conduct, three years, or less, more than two years two days, four years, three days, five years four days, seven years, or less and more than five years, five days, nine years or less and more than seven years, six days, ten years and less than fifteen years seven days, fifteen years and less than twenty years, eight days, and for all other convicts, except those sentenced to perpetual imprisonment, ten days.

SECT 2 Chapter two hundred and thirty five of the laws of eighteen hundred and sixty four, and all other acts inconsistent with this act, are hereby repealed.

SECT 3 This act shall take effect from its approval by the governor.

[Approved February 19, 1866.]

## Chapter 21.

AN ACT to amend chapter two hundred fifty-six of the public laws of the year eighteen hundred sixty-four.  
*Be it enacted, &c.*

SECTION 1. The second section of chapter two hundred fifty-six of the public laws of eighteen hundred sixty-four, is hereby amended by striking out the word "eleven" in the third line as printed, and inserting in place thereof the word "thirteen," and by striking out the word "two" in the eighth line of said section, and inserting in place thereof the word "five."

SECT. 2. This act shall take effect and be in force when approved by the governor.

[Approved February 19, 1866.]

## Chapter 22.

AN ACT in relation to repairs of roads in unincorporated townships.

*Be it enacted, &c.*

The expenses for repairing roads in unincorporated townships shall be assessed by the county commissioners, in like manner as is now provided by law for opening and making roads in said townships, and such assessments shall be made whenever they shall have satisfactory evidence that such roads need repairs.

[Approved February 19, 1866.]

## Chapter 23.

AN ACT to establish the salary of the county attorney for the county of Franklin.

*Be it enacted, &c.*

SECTION 1. The annual salary of the county attorney for the county of Franklin shall be two hundred and fifty dollars, payable quarterly, from the first day of January last, which shall be in full for all official services.

SECT. 2. This act shall take effect when approved.

[Approved February 19, 1866.]

## Chapter 24.

AN ACT extending the time within which certain banks shall redeem their bills.

*Be it enacted, &c.*

SECTION 1. In all cases where the liability of any bank in this state to redeem its bills would expire in the year eighteen hundred and sixty-six but for the provisions of this act, such liability shall be extended until the first day of March, in the year eighteen hundred and sixty-seven, except such banks as are now in the hands of receivers.

SECT. 2. The bank commissioners shall publish in one or more newspapers near the place where a bank is situated, and in such other newspapers as they may see fit, a notice of the time when the liability of such bank will cease for the redemption of its bills, said notice to be continued for three months next before the time named therein.

SECT. 3. Whenever any bank organized under the laws of this state shall have surrendered its charter and shall not have organized under the enabling act of this state as a national bank, and shall have collected or received as the proceeds of the assets of said bank over and above a sum sufficient for the payment of the debts of said bank, not less than ten per cent of its capital stock, it shall be the duty of the directors within thirty days to declare and cause to be paid a dividend to the stockholders of said bank pro rata of ten per cent of the amount of the stock of said stockholders to each respectively, said dividend to be continued and paid from time to time as said ten per cent shall have been collected and received by such bank, until the final closing up of its affairs.

SECT. 4. Notice of said dividend shall be given by publication three weeks successively in some newspaper within the county where said bank is located, within ten days after said ten per cent shall have been collected and received.

SECT. 5. If any cashier, director or directors of any bank in this state which shall have surrendered finally its charter, and shall not have organized under the enabling act of this state as a national bank, shall fail or omit to declare and pay such dividend, he or they jointly or severally shall be helden and liable to any stockholder in said bank, aggrieved by such neglect or omission of said cashier, director or directors, in double the amount of the dividend thus withheld, to be recovered in an action upon the case in any court competent to try the same.

SECT. 6. This act shall take effect when approved.

[Approved February 20, 1866.]

## Chapter 25.

AN ACT additional concerning the redemption of railroad mortgages.

*Be it enacted, &c.*

SECTION 1. When the foreclosure of any railroad mortgage has been completed and a new corporation has been organized from the holders of the bonds and the coupons secured by said mortgage, or whenever such foreclosure shall hereafter be completed and such new corporation shall have been organized as aforesaid, if the railroad described and conveyed by such foreclosed mortgage, or any part of said railroad, is subject or shall be subject to any prior mortgage or mortgages, put upon foreclosure, such new corporation in any legal meeting duly called for that purpose, in a vote to redeem such prior mortgage or mortgages, may further vote to lay an assessment upon all stock, bonds, coupons and certificates for fractions of stock of all persons interested in such foreclosed mortgage, for the purpose of redeeming such prior mortgage or mortgage as to an amount not exceeding the amount required for such redemption.

SECT. 2. Whenever in a legal meeting, the stockholders of such new corporation have voted to redeem such prior mortgage or mortgages and to make an assessment for that purpose, it shall be the duty of the directors of such new corporation forthwith to assess such a sum, not exceeding the amount required, for the redemption of such prior mortgage or mortgages.

SECT. 3. Such sum shall be assessed upon all interests in said foreclosed mortgage in proportion to their several amounts, whether stock or certificates for fractions arising in commutation of bonds and coupons for stock, or bonds and coupons not committed for stock.

SECT. 4. The said directors shall fix a time and place for the payment of said assessment to the treasurer of said corporation and said treasurer shall give notice of said assessment, of the percentage laid upon those interested by the same and of the time and place fixed by the directors for the payment of the same, and shall call upon all persons liable to the payment of said assessment, by publishing in advertisement of the same, six weeks successively, in one newspaper published in each of the counties where the railroad conveyed by said foreclosed mortgage is situated, the last of said publication to be two weeks, at least, before the time fixed for the payment of said assessment.

SECT. 5. If any stockholder in said new corporation shall fail to pay his proportion of said sum, on or before the day fixed for the payment by said directors, the treasurer of said corporation shall sell the stock of such delinquent stockholder at public auction, or enough of said stock to pay the amount of said delinquent's assessment with twelve per cent interest thereon, by the year, from the day fixed by said directors for the payment of the same, and the cost of advertising and selling, the said treasurer first giving notice of the time and place of said sale, by publishing in advertisement of the same, three weeks successively before the day of sale, in some newspaper printed in the county where said sale shall be appointed, if any, if not, then in an adjoining county.

SECT. 6. The president and treasurer of such corporation shall give to the purchaser of the shares so sold, certificate for the same and the said certificate shall confer upon him as good title to the same, and said delinquent stockholder shall surrender his certificate to be cancelled and may have a new certificate for any number of his said shares not sold at said auction by paying for the same stamp required.

SECT. 7. If the delinquent shall be the holder of bonds or coupons secured by such foreclosed mortgage, or of a certificate or certificates for fractions arising in commutation, he shall not be entitled to commute such bonds, coupons or certificates for fractions for a certificate of stock, until he shall have paid to the treasurer of such new corporation the full amount due upon the said assessment, with twelve per cent interest, by the year, from the time fixed by the directors for the payment thereof.

SECT. 8. No holder of any bonds or coupons secured by such foreclosed mortgage or of any certificate or certificates for fractions arising upon commutation, shall be entitled to have such bonds, coupons or certificates for fractions share in any dividend of profits that may be declared by the directors of such new corporation before he shall have satisfied and paid his proportion of the sum assessed, with interest at the rate of twelve per cent, by the year, from the time fixed for the payment of the same by said directors, nor unless he shall previously have commuted his said bonds, coupons and certificates for fractions and taken a certificate of stock.

SECT. 9. The directors of such new corporation shall apply all moneys realized from said assessment to redeem such prior mortgage or mortgages, and for no other purpose, until the same are fully redeemed.

SECT. 10. And on the redemption of such prior mortgage,

or mortgages all the property rights and interests secured thereby shall vest in such new corporation.

[Approved February 20, 1866.]

### Chapter 26.

AN ACT amendatory of the statute in relation to the reorganization of county agricultural societies in the state.

*Best enacted, &c.*

That chapter one hundred and eighty six, section one, approved March twenty, eighteen hundred and sixty be amended by the addition of the following to be inserted after the word "agriculturists" in the twenty-first line: "No election be made the secretary of the convention shall forthwith transmit to the governor and council the names of the two or more persons having the highest number of ballots; and the governor and council shall appoint one of the persons so balloted for, to be the member for that county."

[Approved February 20, 1866.]

### Chapter 27.

AN ACT in relation to the jurisdiction of trial justices.

*Best enacted, &c.*

SECTION 1. All actions between parties residing in the same county, returnable before any trial justice shall be commenced before some such district trial justice, residing or holding his court in the town where one of the parties or persons summoned as trustee in an action is his residence; and if there is no such justice in or holding his court in such town then before some such justice in any town adjoining town, otherwise before any such justice in the county.

SECTION 2. When the parties reside in different counties such actions may be commenced before any such justice having his residence in the county where the defendant resides, provided it however that all trustee actions returnable before such justice shall be commenced before some such justice in the county where the person summoned as trustee has his residence.

SECTION 3. Original writs in civil actions, issued by any trial justice may be made returnable before any other trial justice, therein named in the same county and shall have the same force and validity as though signed by the trial justice before whom the same is returnable.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved February 20, 1866.]

### Chapter 28.

AN ACT in relation to evidence.

*Best enacted, &c.*

The rules of evidence where an executor or administrator of a party shall be applied to cases where a person shown to be a party to be insane is solely interested as a party.

[Approved February 20, 1866.]

### Chapter 29.

AN ACT to increase the salary of the county attorney for the county of Waldo.

*Best enacted, &c.*

SECTION 1. That the salary of the county attorney for the county of Waldo shall be four hundred dollars, instead of the salary now established by law commencing on the first day of March in the year of our Lord one thousand eight hundred and sixty six.

SECTION 2. This act shall take effect from and after its approval by the governor.

[Approved February 20, 1866.]

### Chapter 30.

AN ACT to regulate the taking of menhaden and other fish in the waters of Maine.

*Best enacted, &c.*

SECTION 1. No person except as hereinafter provided, shall set or use any seine within three miles of the shore in any waters of this state for the purpose of taking menhaden or porbeagles under a penalty of not less than one hundred nor more than five hundred dollars, and the forfeiture of all vessels, boats, crafts and apparatus employed in such unlawful fishing, for each offence, but a net of no more than one hundred and forty inches deep shall not be deemed a seine.

SECTION 2. The county commissioners may grant a written permit to any person or persons to take with a seine or seines, under such limitations and restrictions as they see fit, within the waters of their county or any part thereof menhaden or porbeagles for bait, or for the purpose of their being manufactured into oil or guano on the land within the limits of the state, and such permits shall expire in one year from their date, and shall not be transferable, and the

person or persons receiving such permits shall pay to the county in which it is granted, if the value of the seine is of more than seventy five and less than one hundred dollars in length, fifteen dollars; if of one hundred more than one hundred and fifty, twenty dollars; and shall deposit at all times when required by any trial justice, constable or other peace officer and upon demand the fee for each permit the sum of twenty five dollars.

SECTION 3. Any person who shall cast or deposit or be thrown up or carried into any of the navigable waters of this state any snare, trap or other offal causing fouling, or oil from menhaden or herring, or any water arising therefrom, shall pay a fine of not less than five nor more than one thousand dollars for each offence.

SECTION 4. All vessels, boats, crafts and apparatus of any kind employed in violation of any of the provisions of this act shall be liable for any fine or costs and it shall be lawful for any peace officer or person to seize and detain property not exceeding thirty six hours for the same to be attached by due process of law to satisfy any judgment that may be rendered in the suit.

SECTION 5. All fines and forfeitures incurred in this act may be recovered in an action of debt, in the name of the use of the county, or in the name of any person; and therefor, one half of such fine and forfeiture to be paid to the person prosecuting, and the other half to the county where the offence is committed.

SECTION 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect when approved by the governor.

[Approved February 21, 1866.]

### Chapter 31.

AN ACT providing for the issuing of certificates of discharge of soldiers and sailors from the service of the United States.

*Best enacted, &c.*

SECTION 1. Clerks of courts in their respective counties shall receive authority and repair the records of the courts for that purpose, and cause the same to be properly indexed, certified and discharged of soldiers and sailors from the army and navy of the United States for which shall be entitled to receive from the person requiring record thereof to any two cents.

SECTION 2. If a copy of such records, when originals are lost or cannot be found shall be recited and entered in the court of this state, and in the absence of a proper shall have the like force and effect as the original certificates and no more than twenty five cents be allowed for such certificate.

[Approved February 21, 1866.]

### Chapter 32.

AN ACT to amend chapter fifty one of the revised statutes.

*Best enacted, &c.*

SECTION 1. Section twenty of chapter fifty one of the revised statutes is hereby stricken out and the following substituted therefor: Bonds with the words "return and distinctly point of thereon on each side" attached, and liable, are to be placed at the side of every writ or process by a notary public or post or other stipendiary notary public as to be easily seen by persons passing upon the way.

SECTION 2. This act takes effect from and after its approval by the governor.

[Approved February 21, 1866.]

### Chapter 33.

AN ACT additional in relation to the reform school.

*Best enacted, &c.*

The trustees of the reform school are hereby authorized to contract with the secretary of the interior for the maintenance and support in the reform school of juvenile offenders against the laws of the United States in accordance with the provisions of the act of congress, approved March, eighteen hundred and sixty five.

[Approved February 21, 1866.]

### Chapter 34.

AN ACT to regulate the drainage of salt marsh.

*Best enacted, &c.*

SECTION 1. All partition ditches for the drainage of salt marsh in this state shall be subject to the jurisdiction of the town viewers of the towns in which such salt marsh is situated.

SECTION 2. The owners or occupants of salt marsh in by ditches, shall maintain partition ditches between their own and the adjoining inclosures, while they continue



improve them, in such shares as shall in the judgment of the fence viewers be in proportion to the benefit accruing to the parties by such drainage.

**SECT 3.** If any party neglects or refuses to make or repair any such ditch, which in the opinion of either party ought to be maintained the aggrieved party may complain to two or more fence viewers of the town where the said marsh is situated who, after due notice to such parties, shall proceed to survey it and if they determine that the marsh is not sufficiently drained and that such party would be benefited by a partition ditch, they shall signify it in writing to the delinquent occupant or owner and direct him how wide and deep a ditch he must make not to exceed three feet in width and three feet in depth and what time he shall be allowed to make it not exceeding sixty days. If the ditch is not made or repaired, the complainant may make or repair it.

**SECT 4.** When the complainant has completed such ditch, and notice given it as adjudged sufficient by two or more of the fence viewers and the value thereof, with the fence viewers' fees, certified under their hands, he may demand of the occupant or owner of the land, where the ditch was ancient double the value, and fees thus ascertained, and in case of neglect or refusal to pay the same, for one month after demand, he may recover the same by action on the case, with interest at the rate of one percent a month.

**SECT 5.** When the occupants or owners of adjacent lands disagree respecting their rights in partition ditches, and their obligation to maintain them, on application of either party, two or more fence viewers of the town where the lands lie after reasonable notice to each party, may in writing under their hands assign to each his share thereof and limit the time in which each shall make or repair his part of the ditch not exceeding sixty days. Such assignment and all other assignments of proprietors of partition ditches herein provided for recorded in the town clerk's office, shall be binding upon the parties, and they shall thereafter maintain their part of said ditch.

**SECT 6.** When a ditch between the owners of improved lands is divided either by fence viewers or by the written agreement of the parties recorded in the town clerk's office where the lands lie the owners shall make and maintain it accordingly, but if any person lays his lands common and determines not to improve any part of them adjoining such ditch, and gives six months notice to all occupants of adjoining lands, he shall not be required to maintain such ditch while his lands lie common and unimproved.

**SECT 7.** Fence viewers in such cases shall be subject to the same penalty if they neglect their duty and receive the same fees for services as in cases of fence viewing.

**SECT 8.** This act shall take effect when approved.

[Approved February 21, 1866]

### Chapter 35.

**AN ACT** to amend chapter two hundred and sixty four of the public laws of eighteen hundred and sixty four entitled "an act requiring the secretary of state to furnish the clerks of courts in the several counties a list of all persons commissioned and qualified as justices of the peace, justices of the peace and quorum, trial justices, and notaries public."

*Be it enacted, &c.*

Section first of said chapter is hereby amended by inserting after the word "counties" in the second line and after the word "clerks" in the ninth line the words, and to the judges of the several municipal and police courts so that the said section as amended shall read as follows:

**SECTION 1.** The secretary of state shall on or before the first day of June next forward to the clerks of courts in the several counties and to the judges of the municipal and police courts a list of all justices of the peace, justices of the peace and quorum, trial justices and notaries public in this state whose qualifications have been filed in his office. Such list shall contain the name and place of residence of every such officer or the date of his commission and the county or counties in which he is commissioned. And he shall forward to said clerks and judges of the several municipal and police courts on the first day of December and of June annually thereafter, a similar list of all such officers, commissioned and qualified during each preceding period of six months.

[Approved February 21, 1866]

### Chapter 36.

**AN ACT** to amend chapter two hundred and twenty eight of the public laws of eighteen hundred and sixty four

*Be it enacted, &c.*

**SECTION 1.** The first section of chapter two hundred and twenty eight of the public laws of eighteen hundred and

sixty four, is hereby amended by adding thereto the following words, viz: "in the town or village the bell may be used for a warning instead of the steam whistle."

**SECT 2.** This act shall take effect when approved.

[Approved February 21, 1866]

### Chapter 37.

**AN ACT** to define the duties of the superintendent of public buildings and fixing his pay

*Be it enacted, &c.*

**SECTION 1.** The duties of superintendent of public buildings shall be for the year the same as prescribed by the recess of the Legislature by chapter approved March twenty fifth eighteen hundred and thirty seven and in addition thereto the governor and council may require him to perform any other duty from time to time as the public interest may require which he shall do without extra compensation and he shall receive in full for all his services the sum of six hundred and fifty dollars per year payable quarterly.

**SECT 2.** This act shall take effect from and after its approval by the governor.

[Approved February 21, 1866]

### Chapter 38.

**AN ACT** to revise chapter sixty eight of the public laws of eighteen hundred and fifty nine

*Be it enacted, &c.*

That chapter sixty eight of the public laws of this state, approved March twenty eight and eight hundred and fifty nine be and the same is hereby revised and the same shall continue in full force until it shall be repealed.

[Approved February 21, 1866]

### Chapter 39.

**AN ACT** to amend chapter eighteen of the Revised Statutes concerning ways

*Be it enacted, &c.*

**SECTION 1.** In all cases where application has been made to the county commissioners for a jury to assess damages as provided in chapter eighteen of the revised statutes they shall appoint a person well versed in law to preside at the view and hearing, and if from any cause he does not attend at the time and place appointed therefor the officer who summons the jury shall appoint that view and hearing till such person does attend or another is appointed and attend in his place, and the person so presiding in addition to the duties prescribed in section twelve of said chapter, shall make a certified report of the evidence introduced before him and return the same to the court.

**SECT 2.** Section thirteen of said chapter is so amended that the supreme judicial court shall receive and verify and the certificate and report of the person presiding. Other parties interested therein may file a written motion to set aside said verdict for the same causes that a verdict rendered in a court may be set aside, the court shall hear any competent evidence submitted to the same, weigh the merits, and confirm the verdict or set it aside for good cause, reserving the right to do so in other cases.

[Approved February 21, 1866]

### Chapter 40.

**AN ACT** relating to gable posts

*Be it enacted, &c.*

**SECTION 1.** Towns shall erect and maintain within their respective limits gable posts at all crossings of public highways and where any public highway crosses another highway, and for any such gable post shall be subject to maintenance and fine, not exceeding fifty dollars.

**SECT 2.** Section six of the revised chapter eighteen of the revised statutes is hereby amended.

[Approved February 21, 1866]

### Chapter 41.

**AN ACT** to increase the salary of the county attorney for the county of Knox

*Be it enacted, &c.*

From and after the first day of January eighteen hundred and sixty six the salary of the county attorney for the county of Knox shall be five hundred dollars instead of the sum now allowed by law.

[Approved February 21, 1866]

### Chapter 42.

**AN ACT** to establish the salary of the judge of probate for the county of Penobscot

*Be it enacted, &c.*

**SECTION 1.** The salary of the judge of probate for the



county of Penobscot instead of the salary is now fixed by law shall be seven hundred dollars per year payable quarterly.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect when approved.  
[Approved February 23, 1866.]

### Chapter 43.

AN ACT to regulate the inspection of flour  
*Be it enacted, &c.*

SECTION 1. The mayor and aldermen of cities and the selectmen of towns in this state are hereby authorized to appoint annually in their respective cities and towns one or more suitable persons to be inspectors of flour for the period of one year from the date of appointment, but no one who is interested in the manufacture or sale of flour shall be so appointed.

SECT. 2. Every such inspector before entering upon the duties of his office shall be sworn to the faithful and impartial discharge of the same, before the clerk of the city or town in which he is appointed and such clerk shall give him a certificate of his appointment and qualification on payment of a fee of fifty cents, which certificate shall be exhibited on the demand of any person interested in any inspection made by the holder of it.

SECT. 3. Inspection of flour in this state shall be for the purpose of ascertaining its soundness. Every package of flour inspected under the provisions of this act shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the package shall be taken out, and examined by the inspector, who shall mark upon each package with a brand or stamp the word *sound* or the word *unsound* as the quality of the flour contained in each shall be found, together with his name, residence, office and the date of inspection. Every inspector shall keep a record of all flour inspected by him in a book deposited exclusively to that use which record he shall be required to exhibit to any person requiring it.

SECT. 4. Every inspector who shall wilfully, falsely and fraudulently mark any package of flour with a mark indicating a quality different from the true quality, shall be punished by a fine of five dollars for each package so falsely and fraudulently marked, and shall also forfeit to any person injured thereby three times the amount of damage, to be recovered in an action of debt.

SECT. 5. Every person who shall with intent to defraud and deceive, alter, obliterate or counterfeit the inspection marks of any inspector, placed on any package of flour under the provisions of this act, and every person who with intent to deceive and defraud shall place upon any package of flour marks which falsely purport to be inspection marks, under the provisions of this act shall for every offence be punished by fine not exceeding fifty dollars and upon conviction of so altering, obliterating, counterfeiting or placing marks falsely purporting to be inspection marks on as many as ten packages at one time shall also be punished by imprisonment in the county jail not exceeding ten months.

SECT. 6. Any person buying flour may require the same to be inspected before it is delivered, the fees of the inspector shall be five cents a package for lots of less than ten packages, for lots of more than ten and not exceeding twenty packages a two cents a package, and for every package exceeding twenty one cent, to be paid by the person demanding the inspection.

SECT. 7. The inspectors of flour appointed under this act, shall, whenever required, in addition to the inspection of the soundness or unsoundness of the article examined determine whether it conforms to and equals the sample furnished to them and shall mark with some distinct and intelligible mark the packages that are found like the sample, and for this service they may charge an additional compensation of one half cent per package.

SECT. 8. Nothing contained in this act shall be held to prohibit or render illegal any contract for the manufacture or sale of flour which has not been inspected when inspection is not required by the buyer or the seller.

SECT. 9. This act shall take effect when approved by the governor.

[Approved February 23, 1866.]

### Chapter 44.

AN ACT amending a seventeenth section of chapter twelve of the revised statutes, relating to parishes and religious societies.

*Be it enacted, &c.*

Seventeenth section of chapter twelve of the revised statutes, is hereby amended by inserting, after words "episcopal churches" in the first line, the words, trustees of the Methodist Episcopal church or societies, so that said section, as amended, shall read as follows: The church wardens of

episcopal churches, trustees of the Methodist Episcopal church or societies, and the deacons of all other protestant churches are to be corporations as to take in succession all grants and donations of real and personal estate made to their churches or to them and their successors, and if the ministers, deacons or vestry are joined with them in such grants or donations, the two classes of officers shall be corporations for that purpose.

(Approved February 23, 1866.)

### Chapter 45.

AN ACT authorizing the sale of certain lots of land in township number four range four, W. E. L. S.  
*Be it enacted, &c.*

Lots or sections of land in township number four, range four, W. E. L. S. exceeding the quantity allowed to be sold to a tiler, may be sold upon same terms as are prescribed in chapter five revised statutes if in the judgment of the land agent, such lots or sections are not valuable for the lumber growth, and found to be better adapted for settlement than other purposes.

(Approved February 23, 1866.)

### Chapter 46.

AN ACT in addition to chapter sixty four of the revised statutes in relation to foreign wills  
*Be it enacted, &c.*

SECTION 1. Any will made and executed, in any foreign country or in any other of the United States according to the laws thereof, shall be valid and have the same force and effect in this state as if made and executed here in the manner prescribed by the laws thereof, and when offered for probate may be proved and allowed in this state, in the county where the testator was a resident at the time of his death, proof of execution may be taken in the manner provided by the laws of this state with respect to wills made and executed therein. When by such proof it clearly appears to the judge that such will was made and executed according to the laws of the state or country where made and executed, he may decree probate thereof and proceed in the settlement of the estate according to the provisions of the will in the manner provided by the laws of this state in the settlement of estates by wills made and executed thereon.

SECT. 2. All acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect when approved.  
(Approved February 23, 1866.)

### Chapter 47.

AN ACT relating to public highways in the cities of this state  
*Be it enacted, &c.*

Nothing in any city charter or in acts additional thereto, shall be so construed as to deprive county commissioners of the power to lay out, alter or discontinue county roads within the limits of such cities.

(Approved February 23 1866.)

### Chapter 48.

AN ACT authorizing pensions for disabled soldiers and seamen.  
*Be it enacted, &c.*

SECTION 1. Any person who has served in the army or navy of the United States in the war of eighteen hundred and sixty one, on the quota of Maine and who has been disabled by wounds or other injury received in said service and in the line of duty shall be entitled to a pension from the state of Maine not exceeding eight dollars per month.

SECT. 2. The widow during widowhood, orphan child or children under twenty years of age of any soldier or seaman deceased from wounds or other injury contracted in the service while in the line of duty shall be entitled to the same pension as is provided in section first of this act, provided that no more than eight dollars per month be paid to one family.

SECT. 3. Any person or persons described in section first and second who are not residents of Maine or who by the pension received from the United States with their own labor and resources, are able to obtain a livelihood for themselves and those dependent on them shall not be entitled to the benefits of this act.

SECT. 4. All applications shall be made to the governor and council who shall regulate the proof required to entitle applicants to the benefits of this act and issue certificates therefor.

SECT. 5. Up in the issue of said certificate, the treasurer of the city, town or plantation, where the pensioner resides,



shall be notified thereof, and the said treasurer shall pay quarterly from the treasury of said city, town or plantation, to the prisoner, the amount specified and for the time specified in said certificate, take vouchers therefor, and the same shall be reimbursed to the said treasurer from the treasury of the state on application.

SECT 6 The necessary blanks shall be issued by the secretary of state to the clerks of cities, towns and plantations, and the expenses incurred in printing and distribution shall be paid from the treasury of the state.

SECT 7 This act shall continue and be in force for the term of one year from its approval.

[Approved February 23, 1866]

### Chapter 49.

AN ACT relating to appointments and removals of certain officers in cities.

*Be it enacted, &c.*

In all cases where appointments to office are directed or authorized to be made by the mayor and aldermen of cities, such appointments shall be made by the mayor, by and with the advice and consent of the aldermen, and such officers may be removed by the mayor.

[Approved February 23, 1866]

### Chapter 50.

AN ACT relating to hawkers and pedlars.

*Be it enacted, &c.*

SECTION 1 No person except as hereinafter provided, shall travel from town to town, or place to place in any town in this state, on foot, or by any kind of land or water conveyance whatsoever, carrying for sale, or offering for sale, any goods, wares, merchandise, whole or by sample, under a penalty of not less than fifty nor more than two hundred dollars, and the forfeiture of all property thus unlawfully carried. But nothing in this act shall be construed as conflicting with the right of any commission merchant, or commercial broker, in any town or city in which he resides, from travelling from place to place in such town or city, and selling or offering to sell, by sample or otherwise, any goods, wares or merchandise.

SECT 2 The county commissioners may license for the purposes aforesaid, any person who proves, to their satisfaction, that he sustains a good moral character, and has been five years a citizen of the United States, and such license shall expire one year from their date and shall not be transferable, and the person receiving such license shall pay therefor to the county treasurer, if he is to sell or offer to sell by retail, ten dollars, if by wholesale, twenty five dollars, and said county treasurer shall pay all moneys received by them for such license, into the treasury of the state, but nothing herein shall prevent any citizen of this state from selling any fish, fruit, provisions, farming utensils, or other articles lawfully raised or manufactured in this state.

SECT 3 Every person who receives a license under this act, shall exhibit it at all times, when required by any trial justice, constable or other peace officer, and upon refusal, he shall forfeit the sum of fifty dollars and the carriage, goods, wares and merchandise of such person, which he is then and there employing under such license, upon complaint before any justice of the peace or municipal court or any trial justice in said county, may be seized under his warrant and detained in the custody of the officer until payment of said penalty or the discharge of the accused, and in case of his conviction, if said property is not redeemed within twenty days thereafter it shall be forfeited, and may be sold as if taken on execution, and the net proceeds distributed as hereinafter provided.

SECT 4 All penalties and forfeitures herein provided, may be recovered by indictment or by action of debt in the name of the prosecutor one half to the use of the town where the offence is committed, and the other to the use of the person prosecuting therefor, and any trial justice or justice of the peace or municipal court upon complaint for a violation of this act, may issue his warrant and cause the arrest of the accused and the seizure of the property alleged to be forfeited, and if upon examination he shall find there is probable cause to believe that the person charged is guilty, he may order him to recognize with sufficient sureties, to appear before the next supreme judicial court for said county and in default thereof may commit him, and may order the detention of said property, by the officer in whose custody it is until trial in said court, and in cases of conviction, said property shall be disposed of for the uses aforesaid, and shall be sold as if taken on execution.

SECT 5 Every person licensed, shall have painted on some conspicuous place on every carriage employed by him, in letters at least one inch wide, his name and the words, licensed by C. C.

SECT 6 Chapter forty-four of the revised statutes, and

chapter two hundred and sixty six of the public acts of eighteen hundred and sixty five, are hereby repealed except as to all publications in fact as under them pending, when this act shall take effect.

SECT 7 No charge shall be made for the license provided for in this act to any soldier in this state drafted in the service during the recent war for the suppression of the rebellion.

SECT 8 This act shall take effect upon its approval by the governor.

[Approved February 23, 1866]

### Chapter 51.

AN ACT in relation to the rule of damages in actions of tort.

*Be it enacted, &c.*

SECTION 1 Chapter one hundred twenty seven of the revised statutes is hereby amended by striking out all after the word "trespass" in the first line, and inserting the following words: "for the amount of the injury so done and for such further sum not exceeding in all three times such amount as the jury shall judge reasonable under the circumstances of the case."

[Approved February 23, 1866]

### Chapter 52.

AN ACT additional to chapter sixty-one of the revised statutes and to the laws additional thereto relating to married women.

*Be it enacted, &c.*

The contract of any married woman, made for any lawful purpose, shall be valid and binding and may be enforced in the same manner as if she were sole, and her separate property shall be held by attachment of levy or execution in any suit brought to enforce such contract, but she shall not be liable to arrest on any writ in such suit or on any execution issued on a judgment recovered in the same, provided that nothing in this act shall be so construed as to effect any suit now pending.

[Approved February 23, 1866]

### Chapter 53.

AN ACT to amend chapter one hundred and two of the public laws of eighteen hundred and fifty-nine, relative to the competency of witnesses.

*Be it enacted, &c.*

SECTION 1 Chapter one hundred and two of the public laws of eighteen hundred and fifty-nine is amended by inserting after the word "civil" in the first line the words "and criminal," so that as amended, it shall read as follows:

SECTION 1 In the trial of civil and criminal actions, the husband and wife of either party shall be deemed competent witnesses, when the wife is called to testify by or with the consent of her husband, and the husband by or with the consent of his wife.

[Approved February 23, 1866]

### Chapter 54.

AN ACT to increase the fees of jurors, deputy sheriffs, witnesses and county commissioners, selectmen and assessors.

*Be it enacted, &c.*

SECTION 1 The fees of grand and trial jurors attending court or before a sheriff on occasions prescribed by law, and of deputy sheriffs when asked to attend the supreme judicial court, shall be two dollars per day for each day's attendance, the fees of witnesses attending in the supreme judicial court shall be one dollar and fifty cents per day for each day's attendance, and the fees of each county commissioner shall be two dollars and fifty cents per day while actually employed in the service of the county including the time necessarily spent in making drafts, or other labor, instead of the several sums now fixed by law for said fees, provided that the provisions of this act shall not apply to the pay of the county commissioners of Cumberland County.

SECT 2 And the duty pay of the selectmen and assessors shall be one dollar and fifty cents, instead of the sum now provided by statute.

[Approved February 23, 1866]

### Chapter 55.

AN ACT to prevent the killing of fur bearing animals between the months of May and October.

*Be it enacted, &c.*

No person shall in any way destroy between the first day of June and the fifteenth day of October of each year, any mink, beaver, sable, otter, fisher or muskrat, under penalty of ten dollars for each animal so destroyed to be recovered on complaint, one half of said penalty to go to the county where the offence is committed, and one half to the prosecutor.

[Approved February 23, 1866]



## Chapter 56.

AN ACT to amend chapter sixty four of the revised statutes relating to forcible entry and detainer and tenancies.  
*Be it enacted, &c.*

Section two of said chapter is hereby amended by striking out in the third line the word "when" and inserting instead thereof the word "where" so that the first clause of said section shall read as follows: "A tenancy at will may be terminated by a written notice to quit served on the tenant thirty days before the time named for its termination, but if no rent is due when a rent is payable it shall not be terminated except at the option of the tenant, until rent shall become due."

[Approved February 23, 1866.]

## Chapter 57.

AN ACT to amend an act additional to chapter one hundred forty two of the revised statutes, relating to the reform school.  
*Be it enacted, &c.*

That the first section of the act of March nineteenth, eighteen hundred and sixty, entitled "an act additional to chapter one hundred and forty two of the revised statutes, relating to the reform school," be amended by inserting at the end of said section and after the word "addition," the following: "But this act shall not be so construed as to limit the powers given the trustees by the seventh section of chapter one hundred and forty two of the revised statutes, entitled 'the state reform school'."

[Approved February 23, 1866.]

## Chapter 58.

AN ACT to increase the salaries of the justices of the supreme judicial court.  
*Be it enacted, &c.*

The salaries of the justices of the supreme judicial court shall be two thousand and five hundred dollars each, instead of the sum now fixed by law, to be drawn quarterly as now provided.

[Approved February 23, 1866.]

## Chapter 59.

AN ACT to make valid the doings of cities, towns and plantations relating to bounties to and for volunteers and for other purposes.  
*Be it enacted, &c.*

SECTION 1. The past acts and doings of cities, towns and plantations in offering paying and contracting to pay, and in raising and providing the means to pay bounties to or for volunteers, drafted men or substitutes of drafted or enrolled men, mustered into, or enlisted for, the military or naval service of the United States are hereby made valid.

SECTION 2. All contracts heretofore made by the duly authorized municipal officers of any city, town or plantation with any volunteer, drafted man or substitute, for the payment of any bounty voted by such city, town or plantation, and all contracts heretofore made by said officers or their duly authorized agents with third persons, corporations or associations for the purpose of providing the means to pay bounties to volunteers, drafted men or substitutes, are hereby made valid.

SECTION 3. All contracts heretofore made by such municipal officers or by third persons, in behalf of any city, town or plantation, but without previous authority, therefor, to pay bounties to or for volunteers, drafted men or substitutes actually in or enlisted for the military or naval service of the United States may be ratified, confirmed and made valid by any city, town or plantation at any legal meeting thereof, an article being expressly inserted in the warrant calling such meeting that such matter will be presented for the action of such city, town or plantation.

SECTION 4. This act shall not be understood or construed as making valid the vote of any city, town or plantation to raise money to be paid by way of commutation, to relieve or discharge any person drafted or liable to be drafted into the military service of the United States, under or by authority of any act of Congress, when such person has neither been mustered into said service nor furnished a substitute.

SECTION 5. This act shall take effect when approved by the governor.

[Approved February 23, 1866.]